

Amendment Under 37 C.F.F. §1.111
Serial No. 10/700,462
Attorney Docket No. 032081

REMARKS

Claims 1-6 are pending in the above-identified application. Claim 1 is amended. No new subject matter is added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated July 6, 2005.

Claims 1 and 3 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner stated that the claims are vague and indefinite because claim 1 sets forth that “the valve is located in the first and the second refrigerant passage...However, the valve (as shown in Fig. 1) is only located in the passage going from the discharge chamber to the crank chamber, i.e. the first refrigerant passage.” To expedite prosecution, Applicants amend claim 1 to recite – *a differential pressure regulating valve arranged at a desired location in at least one of a first refrigerant passage leading from the discharge chamber to the crank chamber, and a second refrigerant passage.*

The Examiner also stated that “the fixed orifice is said to be located in both of the first and the second refrigerant lines, but as shown in Fig. 1 the fixed orifice (15) is only located in the second refrigerant line.” Applicants respectfully disagree with the Examiner’s position because the specification provides clear support for the location of the fixed orifice 15 (e.g., page 24, lines 14-27.)

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In view of the above remarks and amendments, Applicants respectfully request that the Examiner withdraw the §112 rejections of claims 1 and 3.

Applicants respectfully submit that amended claim 1 is generic to all of the embodiments in the present application. Accordingly, claims 2 and 4-6, which depend from generic claim 1, should likewise be allowed.

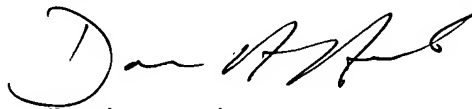
For at least the foregoing reasons, the claimed invention defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'Darrin A. Auito', is written over a horizontal line.

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